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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/391,460      | 09/08/1999  | Barry Barton         | 47004.000030        | 8639             |

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WASHINGTON, DC 20006-1109

EXAMINER

POINVIL, FRANTZY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3628

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/391,460

Applicant(s)

BARTON ET AL.

Examiner

Frantzy Poinvil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman (US Patent No. 6,315,196) as found in the prior Office action.

Applicant's argues that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to employ the generally well known user interface in the system of Bachman.

The Examiner strongly disagrees with the applicant's representative. Graphical user interface systems are well known and well applied in the art. Descriptive icons and buttons in a graphical user interface usually provide a guidance to the user as to what will happen when the button is depressed what functions will be invoked. Applying these well known techniques in the system of Bachman would have been obvious to one of ordinary skill in the art in order to provide a user-friendly system to users of the system of Bachman.

Applicant's argument's that providing a GUI in the system of Bachman is not found in the prior art is not convincing because the applicant is presumed to know more than what is disclosed in the prior art and also to be aware of what is available to one of ordinary skill in the art at the time of the invention. Thus, the use of graphical user interface was well known and routinely applied in most softwares and/or computerized systems for providing a user-friendly system to users as such would have been obvious to one of ordinary skill in the art to use in the system of Bachman at the time of the invention.

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Applicant's citations of various case court decisions are not persuasive for the reasons given above as the Examiner has not given broad conclusory statements in showing the applications of a GUI in the system of Bachman. Applicant is further directed to the prior Office action.

Applicant's representative then argues Bachman fails to teach or suggest features recited in independent claim 1.

The Examiner disagrees with applicant's assertion. After a close analysis of applicant's claim 1, the Examiner notes that absent of the graphical user interface (GUI), claim 1 first displays financial situations to a user, a selection of one of the financial situations causes the system to display one or more questions and the generation of a financial payment advice in response to the answers to the one or more questions. Similarly upon reviewing the Bachman reference, the Examiner notes that Bachman teaches a plurality of financial situations of a user which are related to hospitalization, unemployment, disability or family leave. Upon the occurrence of one of these financial situations, an enrollee who is enrolled for compensation such as payment of financial debts is not able to work. The system of Bachman then transmits information to the enrollee, which is similar to the claimed presentation of the "one or more questions" to the user, or enrollee. Upon a positive or valid verification, a payment advice such as activating a deferment of a credit account including zeroing a minimum payment due in an enrollee's credit account. Thus, the Examiner notes that the claimed functions are taught by Bachman. The only difference between the claimed invention and the

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teachings of Bachman is the use a graphical user interface. The Examiner asserts as noted in the prior Office action as responding above that such would have been obvious to one of ordinary skill in the art.

Applicant argues that Bachman provides no direct negotiation between a customer and a financial institution.

In response, the Examiner disagrees because, information relating to the validity of a claim is sent to the enrollee. Furthermore negotiation between a user and a financial institution is not recited in independent claim 1.

Applicant's representative argument that Bachman does not teach a plurality of file servers is not convincing because Bachman teaches various file servers comprising a plurality of databases. See figures 1-2 of Bachman.

The system of Bachman discloses generating an advice on negotiation strategies regarding the individual's economic situation for interacting with the individual.

Applicant is directed to column 14, lines 15-57 of Bachman where it is disclosed an enrollee's claim for deferment is checked for its validity and an enrollee may dispute a declined letter or correspondence.

Applicant's representative argues that Bachman does not teach providing answers to predetermined questions. In response, Bachman discloses receiving and confirming that the card member's verification documents are valid and certifies that the card member is hospitalized, unemployed, disabled or on family leave and automatically transmits a notification of benefit initiation to the credit protector system. See column 14, lines 15-34 of Bachman.

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Applicant's representative argues that Bachman does not teach a window for displaying the advice together with the questions.

In response, the examiner notes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to display the payment advice together with the questions presented to the user in graphical user interface in order to display information in a set of question/answer format to the user.

It is noticed that Bachman discloses facilitating communications between a user and the payment system via the Internet. Thus, descriptive buttons and/or icons would have been used therein in order to provide a user-friendly interface communication system.

The remaining arguments found in applicant's response are directed to similar arguments found above and the same Examiner's response is therefore asserted as found above.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 Before Final rejection and (703) 872-9327 for After Final rejection.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP  
April 13, 2004

  
FRANTZY POINVIL  
[Illegible stamp]  
Au 3628